

**Salisbury Conservation Commission
Meeting Minutes
April 19, 2023
Colchester Auditorium, Town Hall
5 Beach Road
Salisbury, MA 01952
Hybrid Meeting
7:00 P.M.**

COMMISSION MEMBERS PRESENT IN PERSON: Julie Doughman-Johnson (**JDJ**), Michael Colburn (**MC**), Mark Warcewicz (**MW**), Chairman Jeffrey Ward (**JW**), Michael Lucas (**ML**)
COMMISSION MEMBERS PRESENT REMOTELY: Christine Maxim (**CM**)
COMMISSION MEMBERS ABSENT: Christopher Leahy (**CL**)

ALSO PRESENT: Conservation Agent, Adriane Marchand (**AM**), Administrative Assistant, Alison Weaver (**AW**)

Chairman Jeffrey Ward (**JW**) opened the meeting at 7:00 PM under the Wetlands Protection Act & Open Meeting Law and informed the public that the meeting was being recorded and being held both remotely and in person.

A. FARMLAND OF LOCAL IMPORTANCE DESIGNATION:

Maggie Brown of Essex County Green Belt shares a presentation for protection of agriculture purposes to designate soil types that qualify for Natural Resource Conservation Service funding.

JDJ motioned to approve soil as designated as land for agricultural purposes.
MC seconded.
Motion Carried.

B. PUBLIC HEARINGS at 7:10pm:

1. NOI Nancy Reap, Old Silver Estuary on Little River LLC, 100 Forest Road. (10/5/22)

JDJ motioned to continue the NOI: Nancy Reap, Old Silver Estuary on Little River LLC, 100 Forest Road (10/5/22) to the May 3, 2023 meeting 7:10 PM with a site visit in the interim.
MC seconded.
Motion Carried.

2. NOI: Christopher DeLuca, 108 Elm Street. (11/16/22)

JDJ motioned to continue the NOI: Christopher DeLuca, 108 Elm Street. (11/16/22) to the May 3, 2023 meeting 7:10 PM.
MC seconded.
Motion Carried.

3. NOI: 18 NE BLVD LLC, 14, 16 & 18 North End Blvd (4/5/23)

JDJ motioned to continue the NOI: 18 NE BLVD LLC, 14, 16 & 18 North End Blvd (4/5/23) to the May 3, 2023 meeting 7:10 PM.
MC seconded.
Motion Carried.

4. NOI: Richard True, 1 Congress Street. (4/19/23)

Matt Steinel (**MS**) from Millennium Engineering is present and representing the applicant and explains the plans to build a new single-family home. **JDJ** asks to have a 9-inch silt sock and a silt fence. Also, a site visit to be scheduled. **JW** speaks in regards to sheet three of the plans and the block wall detail. **MS** explains there is no gravel planned for behind the wall but they can add that if the commissioners would like. **AM** asks about the existing septic system and the location. **MS** explains that Millennium did the design for the old tank and it would be abandoned per state law and on the applicant's property. **MS** shows the septic plans from 1995 and verifies the location. **AM** asks if there is a setback from the road that is required for septic systems. **MS** shows the setback on the plans. **MC** adds that looking at the invert for the leach field he is concerned where the stone is on the back of the wall. **MS** states he will give the commissioners a new set of plans with some new updates before the next meeting.

JDJ motioned to continue the NOI: Richard True, 1 Congress Street until the next meeting May 3, 2023 7:10 PM and in the interim a site visit.

MC seconded.

Motion Carried.

5. NOI: Rachel Harris, 83 Atlantic Avenue (4/19/23)

Matt Steinel (**MS**) from Millennium Engineering is present and representing the applicant. **MS** explains the plans for a single-family home. When removing the decking from the porch they found the decking itself to be a big part of the structural foundation. The new plan is to remove and rebuild in the same footprint. **JDJ** asks about the elevation of the proposed deck. **MS** states it is a second story deck so it is high. **MS** asks the agent about the property being on the enforcement list for a small set of stairs. He explains the stairway was previously removed and if they could do a site walk to confirm the removal and then lift the enforcement. **JW** shares his concern for the placement of machinery and what impact that will have on the dune. **MS** answers that the deck being removed is a safety issue so as soon as possible. **JW** adds another concern that the dune grass growing season is approaching. **AM** asks how long the work will take. **MS** answers they presume it will take a couple weeks.

JDJ motioned to continue the NOI: Rachel Harris, 83 Atlantic Avenue for the May 3, 2023 meeting at 7:10 PM and have a site visit in the interim.

MC seconded.

Motion Carried.

6. NOI: Michael & Kristin Chase, 574 North End Blvd (4/19/23)

JDJ motioned a continuance for the NOI: Michael & Kristin Chase, 574 North End Blvd (4/19/23) for the May 3, 2023 meeting at 7:10 PM.

MC seconded.

Motion carried.

7. NOI: Ocean Front South LLC, One Ocean Front South Development (4/19/23)

Richard Nylan (**RN**) representing Ocean Front LLC. He speaks about this being a standalone filing from another filing in 2019-2020. The project was denied and appealed to DEP. The new NOI is designed to address and resolve the old issues. DEP Policy 88-3 stated if there's a second filing the first filing will stay on hold and they will choose to proceed within 21 days of the new order issuance. He gives an overview of the plans. Tom Hughes (**TH**) from Hughes Environmental is then introduced and speaks in detail about the project. **JW** asks if

all of the issues raised from the last application have been solved. **CN** explains that they believe they met all of the performance standards for all of the resource areas. **JDJ** asks if the whole building is up on pilings? **CN** comments that everything is above except for parking. **TH** explains the project site and the zones at which it is in. Dwight Dunk (**DK**) on behalf of Epsilon Associates is present and representing the applicant. **DD** explains the storm water portion of this project. In large storms, waves hit the building on the north side and then is channeled down Broadway. The Storm Water Report runs through all of the standards and meets or exceeds those standards in his opinion. **CN** closes the presentation. **ML** questions the parking surface underneath. **TH** explains the material and the plans call for concrete and the function to the dune being the same and a neutral change. Harry Hartunian at 21 Railroad Avenue approaches the podium and shares his opinion that the purpose of tonight and the name change is to get the commission to change their opinion. His concerns are with the water that comes into the garage towards his property. There will be no barrier and the water just going west, will go towards his property. Another concern is a lot of construction going on and the company doing the pile driving. How many pilings are going into the ground, drilled or pounded. Neighborhood children are a concern of mine. I submitted letters to the selectman and commissioners. I ask the commission to please review the old plans along with the new to look at the concerns. Jim Arioslis at 11 Railroad Avenue approaches next and shares concerns for parking and the stormwater. He would like to know more about the drainage and the catch basin meeting certain standards. Jean D'Orsi also at 11 Railroad Avenue states she submitted two reports from the previous projects. Her main concern is the easement proposed to be a two-way street. The height is a major concern and is out of proportion to the surrounding neighborhood.

JDJ motioned to continue the NOI: Ocean Front South LLC, One Ocean Front South Development (4/19/23) for our May 3, 2023 meeting at 7:10 PM and a site visit to be scheduled in the interim.

MC seconded.

Motion carried.

C. MINUTES:

1. May 18, 2022
2. June 1, 2022
3. June 15, 2022
4. July 6, 2022
5. July, 20, 2022
6. August 3, 2022
7. August 17, 2022
8. September 21, 2022
9. November 16, 2022
10. December 7, 2022
11. January 18, 2023
12. March 1, 2023
13. March 15, 2023
14. April 5, 2023

JDJ motioned to continue the minutes, May 18, 2022 through September 21, 2022, November 16, 2022, December 7, 2022 and January 18, 2023 through April 5, 2023 to our next meeting May 3, 2023 at 7:10 PM.

MC seconded.

Motion Carried.

D. NEW BUSINESS:

1. Request for Certificate of Compliance: 39 Old County Road

Matt Steinel (**MS**) from Millennium Engineering is present and representing the applicant. **MS** explains the request for certificate of compliance. **JDJ** asks about the walkway around the gazebo and if it is grass. **MS** explains that there is a limited amount of clearing around the walkway along the gazebo of clam shell or crush stone. Per plan **AM** shares the pictures. **JDJ** asks about putting ropes or additional poles. **ML** recommends approving it under the condition of putting the two additional poles by parking area to prevent plowing of snow into the resource area.

ML motioned to approve the request for Certificate of Compliance 39 Old County Road with the condition to add the two posts.

MC seconded.

Motion Carried.

D. ENFORCEMENT ORDERS:

HOLD, PENDING UPDATE:

1. 2A, 12th St. W.
2. 14 Old County Rd.
3. 100 Main St.
4. 14 10th St. W.
5. 36 Pike St.
6. 2 Baker Rd.
7. 565 North End Blvd.
8. 30 Main St.
9. 83 Atlantic Ave.

AM updates commissioners that she will go check the stair way and if removed lift the order.

10. 211 N. End Blvd.
11. 16 Hayes St.
12. 11 Railroad Ave.

ACTIVE, PENDING COMPLETION:

13. 5 Patriot Way
14. Lafayette Rd. Sewer
15. 27 12th St. W.

COMPLETE, PENDING APPROVAL:

16. 29 Lafayette Rd.
17. 114 Bridge Rd.
18. 6 Sycamore Ln.
19. 16 Commonwealth Ave.
20. 139 Elm
21. 4 Main Street

MC asks about 37 Dock Lane and if we can have something in writing from her to condition that she not re-install piping. Usually lifting the enforcement, they have some sort of paperwork. Commission discussed.

JDJ motioned to lift the enforcement order for 37 Dock Lane.

ML seconded.

Roll Call Vote: JW- yes; MC- no; JDJ- yes; CM- yes; ML- yes; MW- yes

5-1-0. Motion Carried.

E. COMMISSIONER COMMENTS

MW last few meetings have been longer and haven't been stable on a resolution for what to use on driveways on the beach. Shouldn't we have a guideline for the commission to follow? **AM** it's something we can develop that isn't the law but just the guidelines. **ML** there are a lot of inconsistencies with buildings built in the last year. **JDJ** agrees, a lot that we did not have control of. **AM** will look into some of the neighboring towns guidelines in place for commission.

F. ADJOURNMENT:

CL motioned to adjourn the April 19, 2023 Salisbury Conservation Commission Meeting at 9:30 PM.

MC seconded.

Motion Carried.